

**COLUMBUS BOARD OF ZONING APPEALS
123 WASHINGTON STREET
COLUMBUS, INDIANA**

The Columbus Board of Zoning Appeals met at 6:30 p.m. March 23, 2004 in the Council Chambers, second floor of City Hall, 123 Washington Street, Columbus, Indiana for its monthly meeting.

Members Present: Karen Dugan; Mary Ferdon; Gary Nienaber,
Lou Marr, Laura Thayer, Assistant Director,
Eric Frey, alternate

Staff Present: Brian Thompson, Code Enforcement Officer; Alan Whitted,
Deputy City Attorney; Thom Weintraut; Marcus Hurley
Stephanie Carr, Dept. of Code Enforcement

Karen Dugan opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

The meeting was opened for public comment.

**DOCKET NO. C/CU-03-14 & C/DS-03-22 (CONTINUED)
COLUMBUS COMMUNITY RADIO**

Mitzi Graham, of Columbus Community Radio Corporation, is requesting a conditional use to allow the operation of a home based business. The property is located at 1217 Lafayette Avenue, Columbus, IN 47201.

Marcus Hurley states that the request for a home based business has been altered. At this time Mitzi Graham would like to alter her request. This request will also include **C/DS-03-22** the request for a radio antenna to exceed the permitted height for antennas in a residential zoning

The application for a 75' HAM radio tower at 1217 Lafayette Avenue is permitted by the Columbus Zoning Ordinance Section 17.52.040 E per Roger Hunt, Planning Director. All appropriate set backs will need to be adhered to. Section 17.52.040 E states

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amateur radio sending and receiving antennae; provided that the height thereof including masts shall not exceed seventy-five (75) feet measured from finish lot grade.

Lou Marr makes a motion to deny **C/CU-03-14** and **C/DS-03-22** without prejudice. Gary Nienaber seconded the motion. Motion was passed 4-0.

DOCKET NO. C/CU-03 SMITHERMAN CONSTRUCTION, INC

Bob Smitherman is requesting a conditional use permit to allow the operation of a model home in a residential zoning district. The property is located at Princeton Park Lot #184, Columbus, IN.

. Marcus reads the staff report and visual slides are presented. Bob Smitherman is requesting a conditional use permit for a model home. A recent change in the ordinance now allows model homes to be reviewed and time limits established on an individual basis. This request was denied on the basis that there was remonstrance, and that the proposed location was on a cul-de-sac which had occupied residences in closest proximity. The model requested will house one employee during the requested business hours of 12:00 p.m.- 6:00 p.m. An unspecified number of customers will be on-site.

Bob Smitherman states his name for the record. Mr. Smitherman tells the staff that the home would be a very nice home, with no lighting outside and there would not be any flags outside the home. This use will be in harmony with the neighborhood and not create noise and traffic or glare and will not have an adverse effect on neighboring property because the structure is similar to residential structures. The signs will only be out during business hours of 12:00 p.m. – 6:00 p.m.

Meeting was opened to the public.

Don Henderson approved of the model home.

Jason Mackey also was in favor of the model home.

Karen Palmer spoke in favor of the model home.

David Crider spoke against the model home.

Meeting was closed to the public.

Discussion:

Bob Smitherman was asked what kind of time limit he anticipated on having the model home. The members of the board thought that it would be nice if they would do some buffering and landscaping to make the property look nice.

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Laura Thayer said that 2 years would be the proper time limit to allow the model home and that Mr. Smitherman could come back for an extension if he needed to.

Lou Marr made a motion to approve **C/CU-04-03** with the following conditions:

1. Proposed use shall be limited to the business hours as requested.
 2. A certified site plan shall be submitted to staff for approval of signage, parking, and landscaping.
 3. The permit shall be reviewed and updated after a period of two (2) years. It is the responsibility of the petitioner to contact the Planning Department 2 months prior to review date.
 4. The model home shall be removed prior to the expiration of approval.
 5. All other developmental standards shall be met.
- A Zoning compliance certificate will be issued when the aforementioned conditions have been met.

The Lighting is to be limited to normal house lighting.

Gary Nienaber second the motion and it was passed 4-0.

C/CU-O4 SMITHERMAN CONSTRUCTION, INC

Bob Smitherman is requesting a conditional use permit for an off-site directional signage for a model home in a residential zoning district. The property is located at Princeton Park Lot #184 the intersection of Lowell Road and Stafford Place, Columbus, IN

Marcus Hurley reads the background to the Staff. Mr. Smitherman is requesting a conditional use permit to allow four offsite directional signs to be placed at the above-mentioned locations. No overall height is provided for any of the signs. Temporary offsite directional signs are permitted in a residential area for a period of 3 days per event with a maximum of 30 days per year. The Board of Zoning Appeals does have the authority to approve offsite directional signs if the signs would help promote pedestrian and vehicular traffic safety. The sign request is linked to a conditional use permit to allow a model home on lot #184 of Princeton Park subdivision. On April 4, 2002, the plan Commission granted an 18 month approval for the replacement of a seventy-two (72) square feet sign on Lot 100A. That approval expired on September 3, 2003.

Staff recommends that the Board approve this request based on the petitioner's ability to demonstrate that the proposed signs are outside of all right-of way and intersection visibility triangles by submitting a site plan for the staff review and approval. A sign located at the intersection of Lowell Road and Princeton Park Drive may not be necessary, and should be approved only if the Board is satisfied that it meets the conditional use criteria.

Mr. Smitherman states his name for the record.

Photos were presented of the signage in question.

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Conditions if granted

1. A Certified site plan shall be submitted to staff showing the exact locations of the proposed signs and they are out of the right-of-way and visibility triangles.
2. The petitioner shall provide information (drawings) regarding the overall dimensions of the proposed signs as well as their proposed height.
3. The time limit should be tied to the approval time of the model home.
4. The current illegal sign on lot 100A shall be removed.
5. All other applicable developmental standards shall be met.

Meeting was opened to the public.

Karen Palmer was opposed to having signs placed in the ground.

Meeting was closed to the public.

Discussion:

Lou Marr stated that she would like to see a design for the signage in question.

Mr. Smitherman stated that they had been approved before.

Karen Dugan said that they are setting a precedent and with the ordinance being revised.

Lou Marr makes a motion to continue **C/CU-04-04** till the next meeting in April.

Gary Nienaber seconded the motion. The cause was passed 4-0.

DOCKET NO. C/CU-04-05 SMITHERMAN CONSTRUCTION, INC

Bob Smitherman is requesting a conditional use permit to allow a mobile home to be used as temporary office space. The property is located in Princeton Park Lot #183, Columbus, IN.

Mr. Smitherman gives his name for the record. Mr. Smitherman states that he has an alternate approach for his request. Mr. Smitherman stated that he has a speck home that is almost finished and that he could use this home as a temporary sales service center. There would also need to be a directional sign, so that the people would be able to find the location. Mr. Smitherman stated that lot 88 would be used as a sales center not a model home.

Lou Marr makes a motion to continue **C/CU-04-05**

Gary Nienaber seconded the motion. Motion passed 4-0.

FINDINGS OF FACT

The following findings were presented by the Board for their consideration:

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C/DS-03-19 - Chestnut Street Crossing-Lou Marr moved for approval, seconded by Eric Frey and approved by a 4-0 vote.

C/DS-03-20 – Carpet Mania-Gary Nienaber moved for approval, seconded by Lou Marr and approved by a 4-0 vote.

C/CU-03-11- Carpet Mania-Eric Frey moved for approval, seconded by Gary Nienaber and approved by a 4-0 vote.

C/DS-04-01- Brands, Inc- Lou Marr moved for approval, seconded by Gary Nienaber and was approved by a 4-0 vote.

C/CU-04-01- Bob Smitherman-Lou Marr moved for approval seconded by Gary Nienaber and was approved by a 4-0 vote.

C/DS-04-02 – Thread Bear Fiber Arts Studio-Gary Nienaber moved for approval, seconded by Lou Marr approved by a 4-0 vote.

C/CU-04-02- Thread Bear Fiber Arts Studio-No action

C/CU-03-15- Rex Banks- No action

Minutes from February 24, 2004

Lou Marr makes a motion for approval

Gary Nienaber seconded the motion. Minutes were approved 4-0.

There being no further business the meeting was adjourned.

Patricia Zeigler, Chair

Karen Dugan, Secretary